

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOSEPH LOCHUCH EWALAN,

Plaintiff,

v.

WASHINGTON DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

Case No. 3:20-cv-05678-JLR-TLF

ORDER DENYING MOTION FOR
RELIEF FROM DEADLINES

This matter comes before the Court on Plaintiff's motion for relief from Court's rules to meet deadlines/responses. Dkt 41. Defendants have filed a response to the motion and Plaintiff has replied. Dkts. 42, 43. For the reasons stated below, the Court denies the motion without prejudice.

Plaintiff has filed a motion "for order of relief to meet deadlines response and answers court rules." Dkt. 41 at 1. Plaintiff contends that he has difficulty scheduling law library time due to layoffs and restrictions caused by the ongoing Covid 19 pandemic and argues that "20 days and 30 days rule makes it difficult for Plaintiff[] to respond to motions and pleadings on time." *Id* at 1. Plaintiff lists examples of difficulties he believes he has encountered previously in this litigation.¹ But Plaintiff does not identify any

¹ Notably, neither of Plaintiff's "examples" involved the denial of any relief due to a problem with meeting deadlines. The Clerk of the Court rejected Plaintiff's attempt to file his discovery requests because such materials may not be filed with the court. Docket Entry dated November 4, 2020; Local Rules, W. D. Wash., LCR 5(d). The Court granted Defendants' motion to strike Plaintiff's reply to their answer because

1 specific deadline from which he seeks relief and there is currently no pending motion
2 imposing any deadlines. Instead, Plaintiff appears to seek blanket relief from any future
3 deadline.

4 The Court will not grant such sweeping and vague relief from any and all future
5 deadlines. Although courts must construe pleadings of pro se litigants liberally, “[p]ro se
6 litigants must follow the same rules of procedure that govern other litigants.” *King v.*
7 *Atiyeh*, 814 F.2d 565, 567 (9th Cir. 1987), *overruled on other grounds by Lacey v.*
8 *Maricopa Cty.*, 693 F.3d 896 (9th Cir. 2012).

9 Accordingly, the Court **DENIES** Plaintiff’s motion, without prejudice to his ability
10 to file a future request for the extension of an actual pending deadline. If in the future
11 Plaintiff is faced with a particular deadline and needs additional time, he may bring a
12 motion requesting the extension of that specific deadline.

13 Plaintiff is also advised that, with respect to deadlines for filing pleadings, the
14 “prison mailbox rule” applies; that is, documents are considered filed on the date a
15 prisoner “delivered the [document] to prison authorities for forwarding to the [d]istrict
16 [c]ourt.” *Houston v. Lack*, 487 U.S. 266, 270 (1988). *See also Douglas v. Noelle*, 567
17 F.3d 1103, 1108–09 (9th Cir. 2009) (“When a pro se prisoner alleges that he timely
18 complied with a procedural deadline by submitting a document to prison authorities, the
19 district court must either accept that allegation as correct or make a factual finding to the
20 contrary upon a sufficient evidentiary showing by the opposing party.”) Thus, for
21 purposes of determining timeliness, *pro se* prisoner filings are deemed filed the date the
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23 _____
24 no such reply is permitted by the Federal Rules of Civil Procedure. Dkt. 39, Fed. R. Civ. P. 7(a). Plaintiff’s
25 ability to meet any response deadlines played no role in either order.

1 prisoner signs the document and gives it to prison officials for mailing; subsequent
2 delays by the prison library in processing filings will not cause a prisoner's filing to be
3 deemed untimely.

4 For the reasons set forth above, Plaintiff's motion, Dkt. 41 is **DENIED** without
5 prejudice.

6 Dated this 22nd day of December, 2020.

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Theresa L. Fricke
United States Magistrate Judge